

**Maryland Environmental Trust
Board of Trustee Meeting Minutes
October 1, 2018**

Maryland Environmental Trust (MET) Board of Trustees (“Board”) Mary Burke called the meeting to order at 4:19 p.m. at 100 Community Place, Crownsville, Maryland 21032. Trustees in attendance were Mary Burke, Tom McCarthy, Julie Jitkoff, Major Gary Burnett, Royden Powell, David Greene, Mark Hoffman, Martha Anne Clark, Richard D’Amato, Mike Pretl, Toby Lloyd, Goodloe Bryon, Jr., Senator Addie Eckardt and Delegate Jim Gilchrist. MET staff in attendance were: Bill Leahy, John Turgeon, Jon Chapman, Wendy Hershey and Kelly Price. Ted Sudol, consultant with Carter, attended the meeting to give an update regarding the Forever Maryland Foundation. Roger Medoff and Talley Kovacs, from the Office of the Attorney General also joined the board meeting with information that was pertinent to the closed session.

I. Call to order

II. Presentation from CASA – Dena Liebman

Mr. Greene introduced Ms. Dena Liebman Executive Director of Future Harvest, CASA. The Mission of CASA is to provide education, networking and help to build a sustainable Agricultural industry to in all neighboring states – Maryland, Delaware, District of Columbia, Virginia and West Virginia. She joined in the Agricultural Committee meeting and wanted to share information with the full board.

Ms. Liebman, presented information about Future Harvest which offers different programs to farmers depending on where the farmers are in their career. Ms. Liebman described their organizational focus as “farming through the lens of protecting land and waterways”.

Ms. Liebman spoke about the three different programs that are offered. Beginner Farmer Training Program, is a Level one training that is designed for beginning farmers in the Chesapeake region who are serious about starting a career in the agricultural industry. Level two provides 200 hours in the field training working and understanding the industry. Level three is Advanced Farmer Training, and is designed for people already making a living as farmers.

Mr. Greene stated that he was hoping that MET would have some landowners that would be willing to lease land to the young farmers who want to be a part of the industry but who do not have the land or money to purchase the land.

Director Leahy asked Ms. Liebman if she would be interested in participating in the annual conference that MET has in May 2019.

Ms. Liebman also shared that they have a program called Cultivate Baltimore focused on urban farmers from Baltimore and D.C. Ms. Burke asked about the difference between urban farming and home gardens. Ms. Liebman replied that urban farmers derive income from urban farming rather than gardening for personal use.

Ms. Jitkoff mentioned FarmLink an online exchange between farmers and people that is designed to connect those who are looking for land to rent, buy, lease, and have businesses opportunities with.

Mr. Sudol asked where CASA's funding comes from for the business. Ms. Liebman stated that they are primarily grant funded with some income from private donors.

III. Board Work Plan & Governance Topics

A. Adopting Minutes

Ms. Burke move for approval of the minutes for September 10 Board Meeting. Mr. Greene and Ms. Jitkoff requested that minor corrections needed to be made to the Finance and Budget discussion minutes before approval. Senator Eckardt moved accept the minutes subject to the changes proposed by Ms. Jitkoff. Delegate Gilchrist seconded the motion. All approved.

B. Chairwoman Report

Ms. Burke presented that the Governance Committee and the Nominating Committees were going to be combined. There are at least three open board seats to be filled next spring, and that Trustees are encouraged to provide names and resumes of prospective board members and to send them to Mr. Greene. A list of names will be presented at the next board meeting for approval before they are submitted to the Governor, Speaker of the House and President of the Senate for consideration.

Director Bill Leahy left the room.

Mr. Sudol presented an update on the Forever Maryland project.

At present, Mr. Sudol's next step is a series of meetings with three individuals who have been identified as interested and available to serve on a transitional Board of Trustees for the Maryland Land Conservation Foundation (which has formally changed its name to the Forever Maryland Foundation. If their commitments are confirmed, arrangements will be made for these individuals to meet with the MET Executive Committee to discuss next steps. Mr. Sudol will update the MET Executive Committee and Board of Trustees by the next meeting on the status of these steps.

Mr. Sudol added that other steps in process will be a determination of details on appropriate arrangements regarding the funding of Forever Maryland by MET in anticipation of a launch in the spring 2019. As to timeline, he anticipates having details finalized in time to present the new plans and documents for the project to the General Counsel of the State Ethics Commission prior to the Commission's January 2019 meeting.

Mr. Sudol advised the board that he continues to work on the project independently, with Wendy Hershey and Wendy Stringfellow available for support as needed; and, that Director Leahy continues to be respectful of the quarantine imposed by the Executive Committee regarding any involvement by him in matters pertaining to the Forever Maryland project. He remains in compliance with the advice of the State Ethics Commission's General Counsel regarding state law governing activities of state employees as they may relate, at a time in the future, to post-employment activities.

Mr. Sudol also shared with the board a summary of his counsel regarding two particular MET-related fundraising matters. Specifically: an initiative to secure sponsorships in support of MET's annual land conservation conference (to be held in May 2019); and, MET's annual year-end appeal.

Ms. Burke advised the board that until Forever Maryland is operational, Mr. Sudol will continue to work for MET; once Forever Maryland is operational, then MET will expect that his firm will be retained by Forever Maryland to continue his counsel for this project.

Director Leahy re-entered the room.

C. Director's Report

Director Leahy referenced MET Director's Dashboard – Annual Work plan FY19. A handout was given to all board members for their reference.

Director Leahy reported that six staff will be attending the National Land Trust Alliance Rally in Pittsburgh, Pennsylvania which runs from October 10 to October 13.

Director Leahy reported on good progress in getting our new stewardship staff up to speed and in the field monitoring easements. In addition, volunteer training has been completed, a volunteer web portal has been created on the DNR website, and training of Maryland Conservation Corps members will occur in October.

Director Leahy updated the board about active projects that are being funded from MET's private supplemental funds. The migration of our donor database to the new Salesforce platform is a major project that the staff is working on. This will be the main database that everyone in MET will be using for many different areas. It will include local land trusts, contact information, donor information, conferences, easements, etc. Michelle Funches continues to help clean up the LOCATE easement database, also built off the Salesforce platform. This allows for a seamless integration of our constituent databases under one state-of-the-art tool.

The 2018 year end annual appeal will be mailed after the election on 11/6/2018. The Finance Committee will encourage Trustees to review our major donor list and add a personal note of thanks in order to encourage donations this year.

Director Leahy announced receipt of a \$30,000 grant from the Land Trusts Alliance's Land and Water Initiative. This will be used to engage an outside contractor to conduct outreach to MET easement landowners in Frederick and Washington Counties to identify opportunities for implementing SHA tree planting or other public funded stewardship programs.

The Director updated the board on the part time record keeping interns who joined MET in September. They are working through 400 of our oldest easement folios to assess if the files have minimum required documentation to meet Land Trust Alliance standards for adequate baseline documentation. Those that are deficient will require current condition reports to correct them.

Director Leahy reported that we are finalizing our FY 2020 state budget. We have been asked to make 3-4 percent reductions to our requested amount before submitting the budget. With little non-salary expenses to cut, it will put more pressure on MET's private funds if the budget reductions are taken. Long term, MET needs to find a path to diversifying our State funding sources. A Task Force under the Finance Committee will be exploring this and developing recommendations to the Board and Secretary for later this year.

Chairman Burke asked for an update on the status of the potential payment of \$300,000 from Maryland Transportation Authority. Mr. Medoff stated that the MDTA transaction has not been

finalized and that they are slowing down the process to revisit the proposal that was agreed to ten years ago. Mr. Medoff will be following up with the parties to this project and keep the Board apprised of any news.

IV. Committee Reports

A. Governance & Nominating

Mr. Greene stated that the Governance committee will be meeting Tuesday 10/9 at 3:00pm. There are at least three vacancies to fill. Mr. Greene and Mrs. Price will confirm what the correct amount of vacancies are. Legal Counsel requested that the Governance Committee review bylaws, committee structures, and review the BOT's compliance with the Open Meetings Act.

B. Finance Committee

Ms. Jitkoff has requested that the board members come in early before the next board meeting that is taking place on 11/5, to personalize the year end appeal letter that will be coming from Mary and Bill. She also stated if Trustees send out personal Christmas cards, they should consider a personal appeal for MET. Wendy and Bill will be preparing a simple insert for Trustees who wish to do this.

C. Agricultural Committee

Mr. Greene shared copies of the minutes from the Agricultural Committee with the board. He referenced that the agricultural community is monitoring the proposed Natural Gas Pipeline for Delmarva. He also reported that the new administrator of MALPF is Michelle Cable. Mr. Greene would like her to come present to the board at a future meeting.

D. Land Trust Advisory Committee

Director Leahy provided an update on planning now under way for the Annual Land Conservation Conference scheduled for May 16th and 17th 2019. The conference will be a two-day program with a current plan to hold a policy summit on the second day. More details will be shared as we move forward. He also reported that initial planning has started for a land trusts census and survey. The last census was conducted five years ago. This effort will attempt to take an even deeper look at the state of the land trust movement in Maryland, and will likely be incorporated into the Conference.

E. Grants Committee

Director Leahy informed the board that the next round of Keep Maryland Beautiful grants were announced on 10/1. The Department of Housing and Community Development will be providing MET \$150,000 in funds and the Maryland Department of Transportation will providing \$50,000 to be allocated this year.

F. Legislative Committee

No update

V. Easement and Stewardship Committee

Mr. McCarthy asked for additional information regarding the Myrtle Point Holdings LLC project before moving the easement transaction to the Consent Calendar. He had a question regarding the easement provision prohibiting agricultural activities. The Assistant Secretary for Land Resources at Department of Natural Resources, Emily Wilson, would like to affirm that language be included in the easement that only forestry uses are permitted on the property. Mr. Powell and Mr. Turgeon both indicated that the easement will contain the language allowing forestry activities. Ms. Wilson would also like an update on the Armacost easement matter and Delegate West's position in it. Ms. Kovacs advised that issue will be discussed in closed session.

Mr. McCarthy motioned and Mr. Greene seconded the consent on the Myrtle Point Holdings LLC easement to MET and Patuxent Tidewater Land Trust.

Senator Eckardt motioned to close the open meeting, and Mr. Powell seconded the motion.

All in favor no opposed

Ms. Burke closed the open meeting

VI. Closed Session to seek advice of Counsel

Talley Kovacs, an Assistant Attorney General and Roger Medoff, joined the board meeting today to report on an Easement in Howard County. The easement has over 280 acres of agricultural property which is currently broke down into six parcels and 3 owners of the different parcels.

Dean Dubbe and his wife purchased property from the original owner of the properties, Mr. Sharp. Ms. Kovacs reported that Mr. Sharp made development requests to MET before Mr.

Dubbe purchased the property. Mr. Sharp's requests were denied by MET because they would violate the terms of the easement.

Ms. Kovacs reported the Dubbe's have filed permits to start construction on this property they own, without receiving approval or consulting with MET. The construction they are building is on a farm property and they will be using it as a residence for workers on the farm. MET's easement does not permit this construction to take place, and Mr. Dubbe would be in violation of the easement if he builds a dwelling structure that is not permitted by the easement.

Mr. Medoff and Ms. Kovacs would like to know what action the board would like to take. Staff requested that MET write a letter to Howard County stating that the owners of the property could be in violation of the easement if they build the residence described in their permit application. County staff would then decide if they will deny or approve the permit. Ms. Kovacs said the county can still give the permit, but they would like the board to decide how the Maryland Environmental Trust staff should proceed.

Mr. Greene said that he thinks the county is viewing this structure as a residence and not tenant house.

Mr. Medoff stated that paragraph three of the Easement lays out the structure and buildings that are or are not allowed on the property. Paragraph 3c states "no building facility, or other structure shall be erected or constructed on the property unless such a structure is a new structure which is necessary for and directly related to the continued agricultural use of the property. "

Ms. Kovacs stated that Mr. McCalley owns lot 2 which has the main residence and the right to a guest house.

Ms. Kovacs said that there are other lots that are allowed building such as lot four. The farm house on lot four had burned down and they have been granted the approval to move to another location on the lot.

Then the tenant house on Lot eight can have a 4000 square foot house rebuilt on it and has been approved.

Ms. Kovacs said that MET sent letter years ago saying that the guest house needs to be on the same property as the main house.

Mr. Medoff stated that one of the arguments is, what is on paper does not match what is on land.

Mr. Medoff said that Mr. Dubbe wants to have 3 houses on the properties. The abandoned Farm House, the Guest house and then he wants another tenant house. Mr. Dubbe is arguing that the tenant house is a necessity for the workers to live on the site. They are not able to keep the help they need without providing housing.

Ms. Clarke asked if MET were to approve the building, and if the tenant left, could Mr. Dubbe use the structure for any other purpose. Ms. Clarke stated that she has tenants and she cannot find employees to work for without providing housing because Howard Co is so expensive to live in.

Mr. McCarthy is making a motion for MET staff to initiate communication with the land owner and communication with Howard County Government. He said there is no need to address issue of guest house. He suggests MET write a letter to the Howard County Government and let them address the issue as they see fit. He said to let Howard County Government decided whether they approve or deny the request.

Mr. Pretl second the motion.

Mr. Medoff said that he thinks a letter should be sent to the Dubbe's to explain what actions could be taken if they continue without approval.

Mr. McCarthy amends his motion, then Mr. Powell amends Mr. McCarthy's motion for a separate letter to Howard County and then one to the Dubbe's. The letter to Howard County should state MET is letting them know that the Dubbe's plan would put them in violation of the easement. Then the letter to Dubbe's should say that they will be in violation if they proceed with the construction of the house.

Mr. Pretl seconds the motion.

Ms. Burke called a vote.

All in favor, no opposed

Mr. McCarthy requested an update on the Armacost Easement. The Armacost family had involved their locally elected office Delegate West in a question about expanding the size of a second dwelling on their easement. Delegate West contact Mr. Leahy and Legislative Affairs at Department of Natural Resources to get easement approval. Ms. Kovacs explained the history of the Armacost negotiation with MET in order to obtain approval under the easement for an expansion of a second dwelling on eased property. MET advised that the Armacost's plan would

not be permissible without significant conservation benefits to the property to provide an amendment permitting the expansion.

Mr. Medoff stated that Ms. Cordell had communication with Delegate West, but the issue was left unresolved.

Director Leahy offered to connect with Delegate West to further explain and discuss to MET's position.

Mr. Powell motioned to close the Closed Meeting

Mr. Pretl seconded the motion.

All in Favor no opposed

VII. Adjourn

Chairwoman Burke closed meeting at 6:22pm.